

Attorney Docket No.: 60027.0003US01
Serial No.: 09/888,926

Remarks

In response to the Office Action dated March 13, 2003, the Applicant respectfully requests reconsideration based on the above claim amendment and the following remarks. The claims as presented are believed to be in allowable condition.

In the present application, claims 1 and 8 have been amended. Claims 1 and 8 have been amended to require that a network database in a telecommunications network be queried for caller identification information and that the audio message related to the caller identification information is stored by the telecommunications network for playback by a caller identification device. Support for the amendment of claim 1 on page 12, lines 10-19 in the Specification. No new matter has been added

Claims 1-10 are currently pending in the application. Claims 1-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Birckbichler (U.S. Patent 5,796,806) in view of Horan (U.S. 6,347,136).

Claim Rejections - 35 U.S.C. §103

Claims 1-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Birckbichler in view of Horan. Birckbichler discloses an apparatus and method for providing spoken identification of a telephone caller on a subscriber's telephone line. Software executed in a network apparatus enables a caller's identification to be spoken over a subscriber's regular telephone receiver so that no visual display hardware is needed (Col. 1, lines 48-53).

Horan discloses a data access arrangement ("DAA") hardware apparatus coupled to a telephone line for interfacing telephone network equipment and a telephone control system (100 in Fig. 1). The telephone control system includes a microcontroller (150 in Fig. 1), a caller ID decoder (130 in Fig. 1), a display (158 in Fig. 1), and a recording and playback device (140 in Fig. 1). As taught by Horan, the caller ID decoder detects a calling party's telephone number. If

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the microcontroller determines that the detected telephone number matches a telephone number stored in a memory in the telephone control system, the recording playback device may be utilized to playback any number of pre-recorded messages according to predefined preferences. If the microcontroller determines that the detected telephone number does not match a stored telephone number, a default action is taken which may include displaying the received telephone number on the display and/or allowing the called party to listen to the calling party over a speakerphone (Col. 4, lines 50-67 through Col. 5, lines 1-31).

Neither Birkbichler nor Horan, alone or in combination, teach or suggest the recitations of independent claims 1 (as amended), 5, 8 (as amended), and 10. Regarding claim 1, Birkbichler fails to teach or suggest displaying caller identification information associated with a call in addition to synthesizing and playing an audio message related to the caller identification message, as required by claim 1. In fact, Birkbichler explicitly teaches away from this feature by discounting the use of visual display hardware when implementing the disclosed software (See Col. 1, lines 48-53). Moreover, there is no teaching or suggestion in Birkbichler to motivate one of ordinary skill in the art to display caller identification information with the disclosed audio message. Therefore, it would not have been obvious to one skilled in the art to modify the invention of Birkbichler to include visual display hardware such as that disclosed by Horan.

Turning now to Horan, the reference fails to teach or suggest that a network database in a telecommunications network be queried for caller identification information and that the audio message related to the caller identification information is stored by the telecommunications network for playback by a caller identification device, as required by claim 1. As discussed above, Horan teaches a telephone control system for interfacing a telephone line and a telephone. The control system requires a separate recording and playback device for storing and playing audio messages related to caller identification information. The present invention, as embodied

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in claim 1, utilizes the telephone network to provide recording and playback functions without the use of external hardware.

Since neither Birkbichler nor Horan, alone or in combination, teach or suggest the recitations of claim 1, claim 1 is indeed patentable and the rejection under 35 U.S.C. § 103(a) should be withdrawn. Claims 2-4 depend independent claim 1 and are allowable for at least the reasons stated above with respect to claim 1, as well as the additional recitations set forth therein. Therefore, the rejections of claims 2-4 under 35 U.S.C. § 103(a) should also be withdrawn.

Regarding claims 5 and 8, these claims require similar features as amended claim 1 and are thus allowable for the same reasons discussed in reference to claim 1 above. Specifically, neither Birkbichler nor Horan, alone or in combination, teach or suggest a service control point for querying a database of caller identification information for caller identification information associated with a call, causing a service node to synthesize and send an audio message related to the caller identification information associated with the call to a called party caller identification device via a called party switch, and at the called party caller identification device, playing the audio message and displaying the caller identification information associated with the call, as required by claim 5. Furthermore, neither Birkbichler nor Horan, alone or in combination, teach or suggest a software module operative to query a network database in a telecommunications network for caller identification information associated with a call from a calling party and a caller identification device operative to synthesize and play an audio message which is stored by the telecommunications network, as required by claim 8. Therefore, the rejection of claims 5 and 8 under 35 U.S.C. § 103(a) should be withdrawn. Claims 6-7 and claim 9 depend from independent claims 5 and 8, respectively, and thus are allowable for at least the reasons stated above as well as the additional recitations set forth therein. Therefore, the rejections of claims 6-7 and 9 under 35 U.S.C. § 103(a) should also be withdrawn.

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Regarding claim 10, the claim requires comparing a directory number associated with a call with the directory number associated with a recorded audio message and if the directory number associated with the call does not match the directory number associated with the recorded message, synthesizing and playing an audio message related to the caller identification information associated with the call, and displaying the caller identification information associated with the call. As discussed above in the discussion of claim 1, Birckbichler fails to teach or suggest displaying caller identification information associated with a call in addition to synthesizing and playing an audio message related to the caller identification message. Furthermore, Horan fails to teach or suggest synthesizing and playing an audio message related to caller identification information associated with a call if the directory number associated with the call does not match the directory number associated with a recorded message. As discussed above, if a detected telephone number does not match a stored telephone number, Horan teaches performing a default action which may include displaying the received telephone number on the display and/or allowing the called party to listen to the calling party over a speakerphone. (See Col. 4, lines 50-67 through Col. 5, lines 1-31). Since neither Birckbichler nor Horan, alone or in combination, teach or suggest the recitations of claim 10, claim 10 is indeed patentable and the rejection under 35 U.S.C. § 103(a) should be withdrawn.

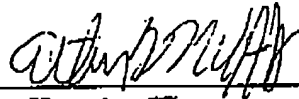
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Conclusion

In view of the foregoing amendments and remarks, this application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is invited to call the Applicant's attorney at the number listed below.

The Applicant believes that no extension of time is required; however, this conditional petition is being made to provide for the possibility that the Applicant has inadvertently overlooked the need for a further additional extension of time. If any additional fees are required for the timely consideration of the application, please charge deposit account number 13-2725.

Respectfully submitted,
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